

FIFTEENTH DAY.

SENATE CHAMBER, }
 AUSTIN, TEXAS, Thursday, Sept. 28, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. No quorum present.

Absent—Senators Bowers, Broughton, Dohoney, Ford, Fountain, Latimer and Tendict.

Absent, excused—Senators Bell, Hall and Pickett.

The Sergeant-at-Arms was dispatched for the absentees.

Senators Bowers, Broughton, Dohoney, Ford and Latimer appeared and answered to their names.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Saylor the reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

Report of Committee on General Land Office :

COMMITTEE ROOM, }
 Austin, Sept. 28, 1871. }

Hon. DON CAMPBELL.

President of the Senate :

SIR : Your Committee on General Land Office have carefully examined Senate bill No. 478, entitled "An act to authorize the Commissioner of the General Land Office to appoint an Assistant Photographer, and making an appropriation therefor," and have instructed me to report it back with the recommendation that it do pass.

Respectfully,

THEO. HERTZBERG, Chairman.

Report read and laid over under the rules.

Reports of Committee on Internal Improvements :

COMMITTEE ROOM, }
 Austin, Sept. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Internal Improvements, to whom was referred Senate bill No. 475, "An act to amend the third section of

'an act to incorporate the Carthage Branch Railway Company,' have had the same under consideration, and after careful examination recommend its passage.

WEBSTER FLANAGAN, Chairman.

COMMITTEE ROOM,
Austin, Sept. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 453, "An act to incorporate the Paris and Bonham tap of the Missouri, Kansas and Texas Railroad, have had the same under consideration and recommend that the bill do pass with the following amendment: "Strike out section six, which exempts the capital stock and other property from taxation." Amend by making section seven section six; by making section eight section seven.

Respectfully,

WEBSTER FLANAGAN, Chairman.

COMMITTEE ROOM,
Austin, Sept. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 454, "An act to incorporate the Rockport, Fulton, Laredo and Mexican-Pacific Railroad Company," have had the same under consideration, and after careful examination recommend that it do pass.

Respectfully,

WEBSTER FLANAGAN, Chairman.

COMMITTEE ROOM,
Austin, Sept. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 360, "An act entitled an act amendatory of and supplementary to an act entitled 'an act to incorporate the Pacific and Great Eastern Railway Company of Texas,'" have had the same under consideration, and recommend adoption of report of May 4, 1871.

WEBSTER FLANAGAN, Chairman.

Reports read and laid over under the rules.

Reports of Judiciary Committee :

COMMITTEE ROOM, {
Austin, Sept. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 474, entitled "An act to provide for appeals from inferior courts," ask leave to report the same back and recommend its passage.

W. H. PARSONS, Chairman.

COMMITTEE ROOM, {
Austin, Sept. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary to whom was referred Senate bill No. 476 entitled "An act to change the name of Virginia Mills to Virginia Dickens," instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

COMMITTEE ROOM, {
Austin, Sept. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred Senate joint resolution No. 42, "Proposing to amend section six, article five, of the Constitution of the State of Texas," instruct me to report the same back and recommend that it do not pass.

Respectfully,

W. H. PARSONS, Chairman.

COMMITTEE ROOM, {
Austin, Sept. 27, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Judiciary, to whom was referred "Petition of Eli Bailey, a citizen of the county of Anderson and State of Texas, for land certificate," instruct me to report the same back and recommend that it be referred to your Committee on Private Land Claims.

Respectfully,

W. H. PARSONS, Chairman.

Reports read and laid over under the rules.

Reports of Committee on State Affairs :

COMMITTEE ROOM, }
Austin, Sept. 27, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 473, entitled "An act to incorporate the Texas Agricultural, Horticultural, Mechanical and Industrial Association of Waco," have carefully considered the same and instruct me to report it back and recommend its passage.

Respectfully,

S. W. FORD, Chairman.

COMMITTEE ROOM, }
Austin, Sept. 28, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 465, "An act to amend an act entitled an act to incorporate the Island City Real Estate and Homestead Association of Galveston," having duly considered the same, instruct me to report said bill back to the Senate recommending that it do pass.

S. W. FORD, Chairman.

Reports read and laid over under the rules.

Message from the House by the Chief Clerk, Mr. Gallant, transmitting for signature of the President the following bills: House bill No. 371, "An act to incorporate the Navasota Hebrew Benevolent Society;" House bill No. 695, "An act to amend an act entitled 'an act to incorporate the city of Brenham, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter,' approved May 6, 1871;" House bill No. 699, "An act to amend the third section of an act entitled 'an act to amend an act prescribing the the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870; approved March 4, 1870;" House bill No. 719, "An act for the relief of the estate of Charles Garnet, deceased."

BILLS AND RESOLUTIONS.

By Senator Mills: a bill (Senate bill No. 486) to be entitled "An act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature." Read first time.

On motion of Senator Mills, the rules were suspended and the bill read second time, ordered engrossed and passed to a third reading.

On motion of Senator Mills, the rules were further suspended and Senate bill No. 486 read third time and passed by the following vote :

Yeas—Mr. President, Baker, Bowers, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—15.

Nays—Dohoney, Douglass, Evans, Latimer, Shannon—5.

By Senator Gaines a resolution as follows :

"WHEREAS on the 29th, day of May 1871, the following resolution was adopted by the Senate to wit :

"*Resolved*, That the Secretary of the Senate be authorized to remain with such assistants as are actually necessary for fifteen days after adjournment to finish up the work of the session and that the Comptroller be required to audit the certificates given by the Secretary for such work, at the rate *per diem* now allowed the clerks of the Senate, the same to be paid out of the contingent fund of the Senate; and Whereas, the legality of said resolution is questioned on the ground of there being no quorum of the Senate present on the 29th, day of May 1871, therefore be it;

Resolved, That the above resolution be confirmed and adopted by the Senate.

Senator Mills moved that the resolution be referred to the Committee on Contingent Expenses, and that any person claiming pay under the resolution should present their claim to said committee for action. Motion carried.

On motion of Senator Ford the rules were suspended to take up House bill No. 427, "An act to authorize C. Duncan and G. W. Patten to erect a toll bridge over Aquilla creek in the county of McLennan, Texas." Read second time and passed to a third reading.

On motion of Senator Ford the rules were further suspended and House bill No. 427 read third time and passed.

On motion of Senator Hertzberg the rules were suspended to take from file House bill No. 735, "An act supplemental to and amendatory of an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' and to repeal an act entitled 'an act to incorporate the city of San Antonio, approved July 17, 1856,' and an act entitled 'an act to amend an act to incorporate the city of San Antonio,' approved February 11, 1860; approved August 13, 1870." Read first time and passed to a second reading.

On motion of Senator Flanagan, the rules were further suspended

and House bill No. 735 read second time and passed to a third reading.

On motion of Senator Flanagan, the rules were further suspended and House bill No. 735 read third time and passed.

On motion of Senator Baker, the rules were suspended to take from file House bill No. No. 762, "An act to provide for the payment of sheriffs in conveying prisoners to State penitentiary." Read first time and passed to a second reading.

On motion of Senator Baker, the rules were further suspended, and House bill No. 762 was read a second time and passed to a third reading.

On motion of Senator Baker, the rules were further suspended, and House bill No. 762, read third time and passed.

Senator Gaines moved a suspension of the rules, to take from file Senate bill No. 346, "An act amendatory of 'an act creating the office of Weigher of Cotton for certain ports in the State,' passed September 1, 1856."

Motion to suspend the rules lost.

On motion of Senator Bowers, the rules were suspended to take from file Senate bill No. 469, "An act to carry into effect section ten of article twelve of the Constitution, concerning a change of venue." Read second time.

Senator Bowers offered the following amendment, which was adopted:

Amend section one by adding after the word "attorney" the words "or guardian."

Senate bill No. 469 ordered engrossed and passed to a third reading, as amended.

On motion of Senator Pyle, the rules were further suspended, Senate bill No. 469 read third time and passed.

On motion of Senator Saylor, the rules were suspended to take from file House bill No. 706, "An act for the relief of Pedro Hernandez." Read first time.

On motion of Senator Ruby, the rules were suspended to take from file Senate bill No. 465, an act to be entitled "An act to incorporate the Island City Real Estate and Homestead Association of Galveston." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Ruby the rules were further suspended and Senate bill No. 465 read third time and passed.

On motion of Senator Dohoney the rules were suspended to take from file House bill No. 537, "An act supplementary to 'an act to provide the mode of trying titles to land,' approved February 5, 1870." Read second time.

Senator Dohoney offered the following amendment: amend section one by adding, "*provided*, that such certified copies shall not be evidence of title in the defendant unless offered in evidence by him, and the plaintiff shall not be precluded from making any legal objection to such certified copies or the originals thereof when introduced by the defendant." Adopted.

On motion of Senator Dohoney the bill passed to a third reading as amended.

On motion of Senator Dohoney the rules were further suspended and House bill No. 537 read third time and passed.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM, }
Austin, Sept. 27, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bill No. 486, "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature of the State of Texas."

G. T. RUBY,
E. L. DOHONEY.

Report read and received.

Under direction of the President the Secretary carried to the House for concurrence Senate bill No. 486, "An act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature."

On motion of Senator Flanagan, the rules were suspended to take from file Senate bill No. 475, "An act to amend the third section of 'an act to incorporate the Carthage Branch Railway Company.'" Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Flanagan, the rules were further suspended and Senate bill No. 475 read third time and passed.

By leave, Senator Broughton introduced Senate bill No. 487, to be entitled "An act authorizing S. A. Cook to erect and keep a toll bridge across Mineral bayou in Grayson." Read first time and referred to the Committee on Roads, Bridges and Ferries.

On motion of Senator Shannon, the rules were suspended to take from file Senate bill No. 369, "An act to facilitate the correcting of surveys, and the issuance of patents to location of lands." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Dohoney, the rules were further suspended and Senate bill No. 369 read third time and passed.

On motion of Senator Pridgen, the rules were suspended to take from file Senate bill No. 454, "An act to incorporate the Rock-

port, Fulton, Laredo and Mexican Pacific Railway Company." Read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Pridgen, the rules were further suspended and Senate bill No. 454 read third time and passed.

[Senator Flanagan in the Chair.]

Senator Pridgen moved to reconsider the vote passing Senate bill No. 454. Motion carried.

Senator Douglas moved to strike out section fourteen. Yeas and nays called for and motion to strike out carried by the following vote :

Yeas—Messrs. Baker, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Hertzberg, Hillebrand, Latimer, Parsons, Petit, Pyle, Shannon—14.

Nays—Messrs. Flanagan, Gaines, Mills, Pridgen, Rawson, Ruby, Saylor—7.

On motion of Senator Pridgen the following amendment was adopted : Change the number of section fifteen to section fourteen.

On motion of Senator Pridgen Senate bill No. 454 passed as amended.

Senator Parsons moved that the Senate after a recess of five minutes go into Executive session. Carried.

So the Senate at twelve o'clock and five minutes took a recess for five minutes.

IN SENATE.

On motion of President Campbell the Secretary was instructed to inform his Excellency, the Governor, that the Senate refuse to advise and consent to the confirmation of William Lewis as Judge of the Thirty-second Judicial District

On motion of President Campbell the Senate at 12:40 P. M. adjourned to 10½ A. M. to-morrow.
